

SIGNED this 22nd day of May, 1974.

SLAKA STEVENS,
President.

LS

No. 5



Sierra Leone

1974

The Cargo (Clearing and Forwarding) Act, 1974

Short title.

Being an Act to regulate and make provision for the control of the clearing and forwarding of all sea and aircraft cargo in and out of Sierra Leone and for matters ancillary thereto

[30th May, 1974.] Commencement.

BE IT ENACTED by the President and Members of Parliament in this present Parliament assembled, as follows:—

1. In this Act unless a contrary intention appears—
“the board” means the advisory board established in accordance with the provisions of section 4;

Interpretation.

"licence" means the licence granted pursuant to section 2;

"Minister" means the Minister for the time being charged with responsibility for matters relating to transport and communications;

"prescribed" means prescribed by order of the Minister;

"port" means the air and sea ports specified in the Schedule hereto.

Licence
required for
clearing and
forwarding
cargo in port.

2. (1) No person shall clear or forward air or sea freight cargo in any port in Sierra Leone unless he is in possession of a valid licence issued, in writing for that purpose, by the Minister on the recommendation of the Board:

Provided that any person already carrying on the business of clearing and forwarding air or sea freight cargo in any port in Sierra Leone before the commencement of this Act may continue to do so without a licence for a period not exceeding three months after the commencement of this Act.

(2) The Minister may on the recommendation of the Board issue a licence for the purpose of subsection (1) with or without such conditions or limitations as he may deem fit.

(3) Upon the issuance of any licence under this section the Minister shall forthwith forward a copy thereof to the Board.

(4) The licence shall be in such form as may be prescribed and shall be valid for only one year from the date of its issue:

Provided that a licence may be renewed by the Minister on the advice of the Board for further periods of one year upon the application of the holder thereof.

Application
for licence.

3. (1) Any person desiring to obtain a licence to clear and forward air or sea freight cargo in any port shall apply in writing to the Minister for the grant of a licence for that purpose and shall submit therewith such fee, if any, and such particulars as may be prescribed.

(2) All applications made hereunder shall be in such form as may from time to time be prescribed and shall be accompanied by a statement specifying the working capital of the applicant, the names and addresses of persons employed by the applicant at the time of the application, particulars of customs bonds (if any) possessed by the applicant, the name and address of the Manager of applicant's business and particulars of the managerial experience of such Manager, any international connections of the applicant or his Manager in the business of clearing and forwarding cargo.

27/11/74
Sec 1 of Act
4/1981

(3) All applications made to the Minister under this section shall be submitted to the Board for its consideration and recommendation.

4. (1) There shall be a clearing and forwarding advisory Board consisting of the following—

Establishment of Advisory Board.

- (a) the Permanent Secretary of the Ministry of Transport and Communications who shall be Chairman;
- (b) the General Manager of Sierra Leone Ports Authority;
- (c) the Permanent Secretary of the Ministry of Trade and Industry or his representative;
- (d) the Director of Civil Aviation or his representative;
- (e) three members to be appointed by the Minister responsible for matters relating to Transport and Communications.

(2) The Members of the Advisory Board shall be citizens of Sierra Leone appointed by the Minister and shall hold office subject to such conditions as the Minister may determine.

(3) Every appointment or termination thereof under this section and every cessation of membership, resignation or removal from office under section 5 shall be notified in the *Gazette* under the hand of the Minister.

5. (1) If an appointed member at any time after his appointment—

Cessation of membership of Board.

- (a) accepts or continues to hold office or employment with any person carrying on the business for which a licence is required under this Act, or
- (b) becomes of unsound mind or otherwise incompetent to act as a member; or
- (c) fails to attend three consecutive meetings of the Board (unless such failure be occasioned by any reasonable cause allowed by the Board),

then, in any of these cases he shall forthwith cease to be a member of the Board and the Board shall report the fact and the date of such cessation to the Minister.

(2) Any appointed member may at any time resign his office by written notice to the Minister or may for good reasons be removed from office by the Minister.

Procedure of Board.

6. (1) Subject to the provisions of this Act, the Board shall make standing orders regulating its procedure generally and in particular regarding—

- (a) the holding of meetings,
- (b) the procedures to be followed at meetings, and
- (c) the keeping of minutes of meetings.

(2) The quorum at any meeting of the Board shall be four members one of whom shall be the Chairman.

(3) A decision of the majority of the members present and voting at a meeting of the Board shall be deemed to be a decision of the Board.

(4) In the event of an equality of votes the Chairman shall have a casting vote in addition to his deliberative vote.

Duties and powers of the Board.

7. (1) The Board shall consider every application submitted to it in accordance with subsection (3) of section 3 and shall make its recommendation to the Minister for his approval

(2) The Board may in the exercise of its functions—

- (a) summon any applicant before it for the purpose of satisfying itself about the suitability of such applicant for recommendation for a licence, or
- (b) require of any applicant any particulars it may consider necessary for the purpose of deciding whether or not it shall recommend such applicant for a licence.

(3) The Board shall not recommend any applicant for a licence unless it is satisfied—

- (a) that the applicant has a working capital of not less than twenty thousand leones for the operation of the business in respect of which his application is made, and
- (b) that the applicant has in his employment for the purpose of such business a minimum staff of ten full-time employees,
- (c) that the Manager of the applicant's business has not less than five years' managerial experience in such a business, and

- (d) that the applicant has in his possession customs bonds for the payment of customs and other dues as required by section 149 of the Customs Act, Cap. 271.
- (e) that the Manager of the applicant's business is suitable, and
- (f) that in the opinion of the Board it is in the interest of the economy of Sierra Leone that the applicant be recommended for the award of a licence, and
- (g) that the applicant is not a non-citizen as defined by the Non-Citizens (Trade and Business) Act, 1969.

Act No. 9 of 1969.

8. (1) The Minister shall on the recommendation of the Board revoke any licence if the holder thereof— Revocation of licences.

- (a) ceases to carry on the business for which the licence was issued for any period exceeding six months, or
- (b) fails to comply with any rules prescribed under this Act, or
- (c) becomes a person who would not be recommended for a licence under the provisions of subsection (3) of a section (7), or
- (d) is carrying on his business in a manner which in the opinion of the Board is detrimental to the economy of Sierra Leone:

Provided that the Minister shall prior to any such revocation notify his intention to revoke a licence to the licence holder and shall give him an opportunity to submit reasons why his licence should not be revoked.

(2) If the licence holder submits reasons why his licence should not be revoked, the reasons shall be submitted to the Board which may after reconsidering the matter affirm or change its recommendation as it may deem fit.

(3) The decision of the Minister shall be final and shall not be questioned in any court of law.

9. The Board shall keep a register of all licences in the prescribed form.

Board to keep Register of licence holder. Offences.

10. (1) Any person who contravenes the provisions of subsection (2) of section 3 shall be guilty of an offence and shall be liable on conviction thereof to a fine of not more than five hundred leones for each day during which the offence continues or imprisonment for a period not exceeding five years or to both such fine and imprisonment.

Repealed & replaced by Sec 3 of Act 4/1951

(2) Any person who makes any false statement, for the purpose of subsection (2) of section 3 shall be guilty of an offence and shall be liable on conviction thereof to a fine of not more than five hundred leones or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

Rules.

11. The Minister may make Rules published in the *Gazette* for carrying the provisions of this Act into effect and in particular but without prejudice to the generality of the foregoing provisions may make Rules with respect to—

(a) any of the matters to be prescribed under this Act, and

(b) a code of conduct to be followed by all persons holding licences under this Act, and

Amendment of Schedule.

12. The Schedule may be amended by the Minister by Order published in the *Gazette*.

Act not to apply clearing etc.

13. This Act shall not apply to—

(a) individuals clearing or forwarding of their personal effects or baggage in any port, and

(b) cargo imported for private and non-commercial uses and not covered by a certified commercial invoice.

(c) cargo consigned to the Government of Sierra Leone or to any foreign or International mission granted diplomatic immunity by the Government of Sierra Leone.

THE SCHEDULE

1. The Port of Freetown and the Port of Sherbro as defined by section 11 of the Ports Act 1964 and described in the Schedule thereto.

2. The Freetown International Airport at Lungi.

Passed in Parliament this 7th day of May, in the year of our Lord our Lord one thousand nine hundred and seventy-four.

M. MUNU,
Acting Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

M. MUNU,
Acting Clerk of Parliament.